

#### REMARKS

Claim 1 has been amended to include the feature of claim 4 so that claim 1 now defines: "A security label comprising: a carrier film; a first layer of a non-affixing polymeric coating printed on the film which is substantially inadherable to the carrier film, ...wherein affixing portions of the second layer adhere to the carrier film via the affixing regions defined by the first layer...."

The term "affixing portions" is consistent with the term used in the description, and replaces "regions".

Claim 3 has been amended to define a security label wherein: "in use, when the carrier film is removed from the first layer,..." The feature of the carrier film being removed from the first layer can be found on page 8, lines 19 to 30, in which as the carrier film in the form of the substrate 12 (page 5, line 1) is peeled away "... portions 36 of the second layer 18 which are adhered to the substrate 12 via the affixing regions 16 remain so adhered, and are pulled away with the substrate 12 as it is peeled from the rest of the label 10...". Also, on page 3, lines 7 to 14, the description states that when the carrier is removed from the support, "corresponding gaps may be formed from said affixing portion in the first and said second layers remaining on the support."

Claims 4 and 5 have been canceled.

Claims 18, 19, 21, 22, 29 and 34 have been amended in line with claim 1.

Applicant submits that the amendments made to the claims do not introduce any new matter.

Claims 1-36 stand rejected under 35 USC 112, second paragraph. The examiner's specific objection to claim 1 is that the wording "the first layer defining affixing regions providing a first pattern" is unclear. Applicant submits that this wording is clear, as it specifies a layer which defines (but does not include) holes or gaps (just as a wall may define, but does not include, a door opening) which have been termed "regions". Claim 1 emphasizes this point by stating that the affixing regions are substantially devoid of the non-affixing polymeric coating. Applicant believes that this terminology is analogous with the terminology used when describing the presence of holes within an article. The affixing regions are not therefore part of the first layer, but are defined by the first layer. To improve

the clarity of the claims, the wording "the affixing regions of the first layer" in claims 1 and 19 has been amended to read "the affixing regions defined by the first layer".

Claim 3 has been amended in view of the examiner's specific objection to that claims, by replacing the term "substrate" by "carrier film."

Claim 5 has been canceled.

Applicant submits that the claims, as now amended, are not open to rejection under 35 USC 112, second paragraph.

Claims 1-10, 13-32 and 34-36 stand rejected under 35 USC 102 over Banahan. Claims 11-14 stand rejected under 35 USC 103 over Banahan in view of Gosselin et al. Claim 23 has not been rejected over the prior art.

The examiner suggests that Banahan discloses a security label comprising ... "a first layer of a non-affixing polymeric coating" and that this feature is disclosed by FIG. 1, #11 and, furthermore, that Banahan discloses that the first layer is substantially inadherable to the carrier film, as disclosed in FIG. 3 of Banahan.

The examiner evidently considers that the transparent film 10 of Banahan is an apt counterpart for the carrier film of claim 1, the ink 11 is an apt counterpart for the first layer specified in claim 1 and that the image layer 13 of Banahan is an apt counterpart for the second layer specified in claim 1.

Referring to page 2, lines 22 to 24 of the present application, the term "non-affixing material" is defined as describing a material which does not adhere to the carrier. This definition is emphasized within claim 1 as now amended by the inclusion of the term "which is substantially inadherable to the carrier film". In use, as described on page 3, lines 6 to 14, "when the carrier is removed from the support, the affixing portions of the second material [remain] adhered to the carrier... Corresponding gaps may be formed from said affixing portion in the first and said second layers remaining on the support. Thus in one embodiment after the carrier has been removed, the support has thereon, the first and second layers, having gaps which spell out the words ...."

The accompanying sketch containing FIGS. 3A and 3B shows sectional views of the security label 10 disclosed in this application in use. FIGS. 3A and 3B are presented to illustrate the following

discussion and not as a drawing amendment. These figures use the same reference numerals used in the description and drawings of this application.

In FIG. 3A, the release layer 30 of the security label 10 has been removed, and the security label 10 has been applied to the support 50. In FIG. 3B, the carrier film or substrate 12 has been removed from the label 10. As the carrier film or substrate 12 is removed, it separates from the first layer 14, because the first layer 14 is defined as being substantially inadherable to the carrier film 12. Therefore after separation, the first layer 14 is left in position on the support 50. However, when the carrier film or substrate 12 is removed, the affixing portions 16 remain adhered to the carrier film or substrate 12, and blank spaces 42 are formed in the parts of the security label 10 remaining on the substrate 50.

In contrast, the arrangement described in Banahan and in particular as shown in FIG. 3, shows a layer of ink 11 which is applied to the film 10. In FIG. 3, the label has been applied to the surface of an article A, and the film 10 has been removed or separated from the article A. As seen in FIG. 3, the ink 11 remains adhered to the film 10, in contrast to the arrangement of the present invention. In Banahan, column 3, lines 12 to 17, the components of the ink 11 are described in the following terms: "the taggant may also be mixed with a substance other than an oligomer so long as that substance is capable of binding to the film layer while permitting a 'clean' separation from the OVD image" (emphasis added). Later on, in column 3, lines 38 to 43, Banahan discloses that "it is advisable to apply a 'corona' treatment... [which] tends to improve the releaseability of the image layer (13)... from the ink (11), while also improving the adherence of the image layer to the film (10)." Thus, in the Banahan arrangement it is important that the image layer 13 releases from the ink layer 11. In Banahan, the skilled person is taught that it is important that the first layer adheres to the carrier film, rather than being a non-affixing coating which is substantially inadherable to the carrier film.

The advantage provided by the employment of a non-affixing first layer which is substantially inadherable to the carrier film is that the carrier film or substrate 12 is released more easily. This is because the bonded surface area which must be ruptured to permit

release is smaller in the case of the label disclosed in this application than for the label of Banahan. The smaller bonded surface area also reduces the risk of damage during release, and permits the use of more intricate and complicated patterns.

The examiner relies on Gosselin et al in support of the rejection of claims 11-13. As noted previously, claim 1 has been amended to include the feature of claim 4. Gosselin et al does not supply the deficiencies of Banahan.

In view of the foregoing, applicant submits that the subject matter of claim 1, as now amended, is not disclosed or suggested by Banahan and Gosselin et al, whether taken singly or in combination. Therefore, claim 1 is patentable and it follows that the dependent claims also are patentable.

Respectfully submitted,



---

John Smith-Hill  
Reg. No. 27,730

SMITH-HILL & BEDELL, P.C.  
16100 N.W. Cornell Road, Suite 220  
Beaverton, Oregon 97006

Tel. (503) 574-3100  
Fax (503) 574-3197  
Docket: SWIN 3354